

RECEIVED
CENTRAL FAX CENTER

NOV 13 2006

REMARKS/ARGUMENTS

This response is timely filed as it is filed within the three (3) month shortened statutory period for response to the outstanding Office Action. Further, as this response is hereby filed within two (2) months of the mailing date of the outstanding Office Action, it is understood that the shortened statutory period will expire on the date the advisory action is mailed should such advisory action not be mailed until after the end of the three-month shortened statutory period.

No additional claim fee is believed due as a result of this Amendment because neither the total number of pending claims nor the number of pending independent claims is believed to exceed the total number and the number of independent claims, respectively, for which fees have previously been paid. If, however, it is determined that such a fee is properly due as a result of this communication, the Commissioner is hereby authorized to charge payment of such fees or credit any overpayment, associated with this communication, to Deposit Account 19-3550.

Claims 1-17 and 29-39 remain in the application.

The Response to Arguments section in the outstanding Office Action is respectfully noted. In particular, the withdrawal of the prior art-based rejections of the pending claims on the basis of U.S. Patent 4,973,325 to Sherrod et al., either alone or in combination with a secondary reference, is acknowledged.

Election/Restrictions

It is understood that the Action now acknowledges that claims 18-28 were previously cancelled and thus are not currently pending in the subject application.

Information Disclosure Statement

It is further understood that the various objections, stated in the prior Action, to the Information Disclosure Statement filed on 15 September 2003 have been withdrawn and that all information contained in said IDS, including the non-patent literature and the French patents listed therein, have now been considered.

Claim Rejections - 35 U.S.C. §102(b)

1. Claims 1, 2, 8-12, 14, 15, 29, 30 and 36-39 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,462,541 to Bruemmer et al. (hereinafter "Bruemmer").

These rejections are respectfully traversed.

KCC-2125-CON

2

I/clb

BEST AVAILABLE COPY

Claims 1, 15 and 29 are independent claims, with claims 2, 8-12 and 14, directly or indirectly, dependent on claim 1 and claims 30 and 36-39 dependent on claim 29.

With respect to these claims, the Action asserts that:

5 Bruemmer discloses an absorbent diaper 10 (column 2,
lines 38-30) [sic] comprising: an absorbent core 16 having
an outer absorbent member 18 with a void 22 centrally
disposed therein and a cleft block/central absorbent
10 member 26 (column 6, lines 15-36) disposed over the
centrally disposed outer absorbent shaping member void
(column 2, lines 38-39, column 4, lines 52-54, column 5,
lines 8-10 and lines 24-33 and figure 8); and a pledget/fluid
pervious wicking barrier 20 (column 5, lines 25-33)
15 disposed between the outer member 18 and the central
member 26 and having a vertical component and a
horizontal component spanning a horizontal distance on the
body side surface of the absorbent core 16, said wicking
barrier 20 establishes a pathway for fluid flow from a
20 center to an outer perimeter of central absorbent
member 26 (column 5, lines 33-44, figure 8).

Claims 1, 15 and 29 are each directed to specified absorbent articles. More particularly, claims 1 and 29 each require that the respective claimed absorbent articles include an absorbent core comprising an outer absorbent member and a central absorbent
25 member. These claims further require that the outer absorbent member have a void centrally disposed therein and open toward the body side of the absorbent article. These claims still further require that central absorbent member be disposed over and extend into this void in the outer absorbent member. Claim 15 requires that the respective claimed absorbent article include an absorbent core comprising an outer shaping member and a
30 central absorbent member. Claim 15 requires that the outer shaping member have a void centrally disposed therein for receiving at least a portion of the central absorbent member.

As Bruemmer nowhere shows or suggests absorbent article such as claimed wherein a central absorbent member is disposed over and extend into a centrally disposed void of the outer absorbent member or wherein a central absorbent member is received in a
35 void centrally disposed in an outer shaping member, such claims are patentable over the prior art of record.

KCC-2125-CON

3

I/clb

For example, while the Action refers to FIG. 8 of Bruemmer for support, it is noted that Bruemmer specifically identifies and states that:

FIG. 8 is an exploded view of the embodiment in FIG. 1

FIG. 1 of Bruemmer clearly shows that the cleft block 26 is positioned behind or to the rear of top sheet opening 64 [see column 6, lines 15-17] and thus clearly positioned behind or to the rear of absorbent assembly hole 22, which hole the Action alleges corresponds to the claimed centrally disposed void of the outer absorbent member.

In view of the above, independent claim 1 and the claims dependent thereon (including claims 2, 8-12 and 14); independent claim 15; as well as independent claim 29 and the claims dependent thereon (including claims 30 and 36-39) are believed to be patentable over the prior art of record and notification to that effect is solicited.

Further, at least certain of these claims include additional limitations which are believed to further patentably distinguish over the prior art of record. For example, claims 9 and 37 each require that the wicking barrier comprises multiple vertical layers of barrier material. While the Action cites Bruemmer at "column 6, lines 43-54, figure 8" as disclosing "additional layers 24 of wicking barrier material", item 24 in Bruemmer (which Bruemmer specifically identifies as a masking layer) [see Bruemmer, column 2, lines 39-41, for example] does not constitute "multiple vertical layers of barrier material", as claimed. Moreover, respective underlying independent claims 1 and 29 each require that the wicking barrier be "disposed between the outer absorbent member and the central absorbent member". The masking layer 24 of Bruemmer is clearly not so disposed.

Claims 10 and 38 each require that the topsheet of the absorbent article be provided with at least one fold to form an elevated runoff barrier. While the Action refers to Bruemmer as disclosing "a top sheet 12 having an opening 64 and folded portions 56", Bruemmer in FIG. 8 clearly shows that the folded portions 56 are formed to underlie the topsheet and in no way "form an elevated runoff barrier", as claimed.

Claims 11 and 39 each require that the central absorbent member comprises a plurality of vertically oriented layers of nonabsorbent material. The Action cites Bruemmer as disclosing a plurality of vertically oriented liquid impervious/nonabsorbent layers 28, 30. Claims 11 and 39, however, are dependent on claim 1 and 29, respectively. Claims 1 and 29 each require that the central absorbent member be disposed over and

extend into the centrally disposed void of the outer absorbent member. Nowhere does Bruemmer show or suggest that the flaps 28 and 30 thereof are so disposed or extended.

Claim 14 requires the central absorbent member comprise a composite having multiple vertical layers of barrier material alternating with layers of absorbent material. The Action cites Bruemmer as disclosing "alternating layers of barrier material 20, absorbent layer 18, additional barrier wicking layer 24 (figure 8)." Such rejection fails to acknowledge or appreciate that claim 14 requires the central absorbent member comprises a composite of such vertical layers and that claim 14 is dependent on claim 1 which, for example, requires the wicking barrier to be disposed between the outer absorbent member and the central absorbent member. Clearly, the pledget 20 of Bruemmer cannot simultaneously be a layer in the claimed central absorbent member composite and also be disposed between such central absorbent member and the associated outer absorbent member.

In view thereof, the withdrawal of the subject rejections is requested and notification to that effect is solicited.

Claim Rejections - 35 U.S.C. §103

2. Claims 3-7 and 31-35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bruemmer in view of U.S. Patent 6,372,954 to Johnston et al. (hereinafter "Johnston").

Claim 3-7 are dependent on claim 1 and claims 31-35 are dependent on claim 29. As independent claims 1 and 29 are believed to be patentable over Bruemmer for the reasons advanced above and as the above-identified deficiencies of the rejections of claims 1 and 29 on the basis of Bruemmer are not overcome by the further combination of Johnston therewith, claims 3-7 and 31-35 are believed to be patentable over this proposed combination and notification to that effect is solicited.

3. Claim 13 was rejected under 35 U.S.C. §103(a) as being unpatentable over Bruemmer in view of U.S. Patent 5,104,396 to Oatley et al. (hereinafter "Oatley").

The Action acknowledges that Sherrod does not disclose that the absorbent member comprises at least one layer of absorbent material and at least one layer of barrier material wound together in a spiral wound composite. The Action alleges that Oatley discloses a "helical path/spiral wound composite 38 is formed by absorbent fibrous layer 34 and impermeable backing sheet 32 (column 6, lines 27-45, figure 5)."

KCC-2125-CON

5

I/clb

Claim 13 is dependent on claim 1. As independent claim 1 is believed to be patentable over Bruemmer for the reasons advanced above and as the above-identified deficiencies of the rejection of claim 1 on the basis of Bruemmer are not overcome by the further combination of Oatley therewith, claim 13 is believed to be patentable over this proposed combination and notification to that effect is solicited.

Moreover, while the Action alleges that Oatley discloses a helical path/spiral wound composite 38 formed by absorbent fibrous layer 34 and impermeable backing sheet 32, as previously submitted the helical product in Oatley is composed of a fibrous layer and first and second wicking means. Item 32 in Oatley is disclosed as being a fluid-pervious covering sheet (column 6, lines 27-29), not an impermeable backing sheet. Moreover, Oatley expressly states that the "backing sheet" is "not visible" [in the figures] and that the flexible absorbent layer 34 is beneath the fluid-pervious covering sheet 32. [Column 6, lines 27-31, emphasis added.] Thus, rather than a spiral wound composite having at least one layer of absorbent material and at least one layer of barrier material wound together in a spiral form, as required by claim 13, the helical product in Oatley is an absorbent fibrous layer with first and second wicking means that lies beneath a fluid-pervious covering sheet.

In view of the above, the subject rejection of claim 13 is believed to be improper or otherwise to have been overcome and notification to that effect is solicited.

Conclusion

In view of the above, all pending claims are believed to be in condition for allowance and notification to that effect is solicited. However, should the Examiner detect any remaining issue or have any question, the Examiner is kindly requested to contact the undersigned, preferably by telephone, in an effort to expedite examination of the application.

Respectfully submitted,



Nick C. Kottis
Registration No. 31,974

Pauley Petersen & Erickson
2800 West Higgins Road; Suite 365
Hoffman Estates, Illinois 60169
TEL (847) 490-1400
FAX (847) 490-1403

KCC-2125-CON

6

I/clb